

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:18-cv-00646-TNM**

HUMANE SOCIETY OF THE UNITED STATES v. ANIMAL
AND PLANT HEALTH INSPECTION SERVICE et al
Assigned to: Judge Trevor N. McFadden
Cause: 05:552 Freedom of Information Act

Date Filed: 03/21/2018
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

**HUMANE SOCIETY OF THE
UNITED STATES**

represented by **Kimberly Denise Ockene**
HUMANE SOCIETY OF THE UNITED
STATES
Animal Protection Litigation
1255 23rd Street, NW
Suite 450
Washington, DC 20037
(202) 285-1388
Fax: (202) 778-6134
Email: kockene@humanesociety.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Laura Friend
HUMANE SOCIETY OF THE UNITED
STATES
Animal Protection Litigation
1255 23rd Street, NW
Suite 450
Washington, DC 20037
(202) 676-2331
Fax: (202) 778-6134
Email: lfriend@humanesociety.org
ATTORNEY TO BE NOTICED

V.

Defendant

**ANIMAL AND PLANT HEALTH
INSPECTION SERVICE**

represented by **Paul Cirino**
U.S. ATTORNEY'S OFFICE FOR THE
DISTRICT OF COLUMBIA
555 Fourth Street, NW
Washington, DC 20530
(202) 252-2529
Fax: (202) 252-2599
Email: paul.cirino@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Joshua M. Kolsky
U.S. ATTORNEY'S OFFICE FOR THE
DISTRICT OF COLUMBIA
555 Fourth Street, NW
Washington, DC 20530
(202) 252-2541
Fax: (202) 252-2599
Email: joshua.kolsky2@usdoj.gov
TERMINATED: 12/18/2018

Defendant

**UNITED STATES DEPARTMENT OF
AGRICULTURE**

represented by **Paul Cirino**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Joshua M. Kolsky
 (See above for address)
TERMINATED: 12/18/2018

Defendant**SONNY PURDUE**

*in his official capacity as Secretary of the
 United States Department of Agriculture*
TERMINATED: 06/14/2018

represented by **Paul Cirino**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Joshua M. Kolsky
 (See above for address)
TERMINATED: 12/18/2018

| Date Filed | # | Docket Text |
|------------|-----------|--|
| 03/21/2018 | <u>1</u> | COMPLAINT against ALL DEFENDANTS (Filing fee \$ 400 receipt number 0090-5383001) filed by HUMANE SOCIETY OF THE UNITED STATES. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons, # <u>3</u> Summons, # <u>4</u> Summons, # <u>5</u> Summons, # <u>6</u> Summons)(Friend, Laura) (Entered: 03/21/2018) |
| 03/21/2018 | <u>2</u> | Corporate Disclosure Statement by HUMANE SOCIETY OF THE UNITED STATES. (Friend, Laura) (Entered: 03/21/2018) |
| 03/21/2018 | | Case Assigned to Judge Trevor N. McFadden. (zmd) (Entered: 03/23/2018) |
| 03/26/2018 | <u>3</u> | SUMMONS (5) Issued Electronically as to ANIMAL AND PLANT HEALTH INSPECTION SERVICE, SONNY PURDUE, UNITED STATES DEPARTMENT OF AGRICULTURE, U.S. Attorney and U.S. Attorney General. (Attachments: # <u>1</u> Notice and Consent) (tth) (Entered: 03/26/2018) |
| 04/11/2018 | <u>4</u> | RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 4/2/2018. Answer due for ALL FEDERAL DEFENDANTS by 5/2/2018. (Attachments: # <u>1</u> Exhibit Receipts of Mailing)(Friend, Laura) (Entered: 04/11/2018) |
| 04/11/2018 | <u>5</u> | RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 4/2/2018. (Attachments: # <u>1</u> Exhibit Receipts of Mailing)(Friend, Laura) (Entered: 04/11/2018) |
| 04/11/2018 | <u>6</u> | RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. ANIMAL AND PLANT HEALTH INSPECTION SERVICE served on 4/2/2018 (Attachments: # <u>1</u> Exhibit Receipt and Tracking)(Friend, Laura) (Entered: 04/11/2018) |
| 04/11/2018 | <u>7</u> | RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. UNITED STATES DEPARTMENT OF AGRICULTURE served on 3/30/2018 (Attachments: # <u>1</u> Exhibit Receipt and Tracking)(Friend, Laura) (Entered: 04/11/2018) |
| 04/11/2018 | <u>8</u> | RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. SONNY PURDUE served on 3/30/2018 (Attachments: # <u>1</u> Exhibit Receipts of Mailing)(Friend, Laura) (Entered: 04/11/2018) |
| 04/11/2018 | <u>9</u> | STANDING ORDER Establishing Procedures for Cases Before Judge Trevor N. McFadden. The parties are hereby ORDERED to read and comply with the directives in the attached standing order. Signed by Judge Trevor N. McFadden on 4/11/2018. (lctnm2) (Entered: 04/11/2018) |
| 04/25/2018 | <u>10</u> | NOTICE of Appearance by Joshua M. Kolsky on behalf of ANIMAL AND PLANT HEALTH INSPECTION SERVICE, SONNY PURDUE, UNITED STATES DEPARTMENT OF AGRICULTURE (Kolsky, Joshua) (Entered: 04/25/2018) |

| | | |
|------------|-----------|--|
| 04/25/2018 | <u>11</u> | Unopposed MOTION for Extension of Time to <i>File Answer or Otherwise Respond to Complaint</i> by ANIMAL AND PLANT HEALTH INSPECTION SERVICE, SONNY PURDUE, UNITED STATES DEPARTMENT OF AGRICULTURE (Attachments: # <u>1</u> Text of Proposed Order)(Kolsky, Joshua) (Entered: 04/25/2018) |
| 04/26/2018 | | MINUTE ORDER. The Defendants' <u>11</u> Unopposed Motion for Extension of Time is hereby GRANTED. The Defendants shall file their answer or other responsive pleading on or before June 1, 2018. Signed by Judge Trevor N. McFadden on 4/26/2018. (lctnm2) (Entered: 04/26/2018) |
| 04/26/2018 | | Set/Reset Deadlines: Defendants' response to Complaint due by 6/1/2018. (hmc) (Entered: 04/26/2018) |
| 05/31/2018 | <u>12</u> | WITHDRAWN pursuant to notice filed on 6/14/2018.....MOTION to Dismiss <i>in Part</i> by ANIMAL AND PLANT HEALTH INSPECTION SERVICE, SONNY PURDUE, UNITED STATES DEPARTMENT OF AGRICULTURE (Attachments: # <u>1</u> Text of Proposed Order)(Kolsky, Joshua) Modified on 6/14/2018 (hmc). (Entered: 05/31/2018) |
| 06/14/2018 | <u>13</u> | NOTICE of Voluntary Dismissal by HUMANE SOCIETY OF THE UNITED STATES (Friend, Laura) (Entered: 06/14/2018) |
| 06/14/2018 | <u>14</u> | NOTICE OF WITHDRAWAL OF MOTION by ANIMAL AND PLANT HEALTH INSPECTION SERVICE, SONNY PURDUE, UNITED STATES DEPARTMENT OF AGRICULTURE re <u>12</u> MOTION to Dismiss <i>in Part</i> (Kolsky, Joshua) (Entered: 06/14/2018) |
| 06/15/2018 | | MINUTE ORDER. Upon consideration of the Plaintiff's <u>13</u> Notice of Voluntary Dismissal In Part, and the Government's <u>14</u> Notice withdrawing its <u>12</u> Motion to Dismiss In Part, Count Four of the <u>4</u> Complaint is DISMISSED without prejudice, and all claims against U.S. Secretary of Agriculture Sonny Perdue are DISMISSED without prejudice. The Government shall file an answer on or before June 28, 2018. SO ORDERED. Signed by Judge Trevor N. McFadden on 6/15/2018. (lctnm2) (Entered: 06/15/2018) |
| 06/18/2018 | | Set/Reset Deadlines: Government's answer due by 6/28/2018. (hmc) (Entered: 06/18/2018) |
| 06/28/2018 | <u>15</u> | ANSWER to Complaint by ANIMAL AND PLANT HEALTH INSPECTION SERVICE, UNITED STATES DEPARTMENT OF AGRICULTURE.(Kolsky, Joshua) (Entered: 06/28/2018) |
| 07/17/2018 | <u>16</u> | NOTICE of Appearance by Kimberly Denise Ockene on behalf of All Plaintiffs (Ockene, Kimberly) (Entered: 07/17/2018) |
| 07/25/2018 | <u>17</u> | Joint STATUS REPORT by HUMANE SOCIETY OF THE UNITED STATES. (Friend, Laura) (Entered: 07/25/2018) |
| 07/26/2018 | | MINUTE ORDER. Upon consideration of the parties' <u>17</u> Joint Status Report, the Court adopts the briefing scheduled proposed therein. Defendants shall file their Motion for Summary Judgment by September 7, 2018; Plaintiff shall file its Response to Defendants' Motion for Summary Judgment, and its Cross-Motion for Summary Judgment by November 2, 2018; Defendants shall file their Response to Plaintiff's Cross-Motion for Summary Judgment, and Reply to Plaintiff's Response to Defendants' Motion for Summary Judgment by November 29, 2018; and Plaintiff shall file its Reply to Defendants' Response to Plaintiff's Cross-Motion for Summary Judgment by December 20, 2018. SO ORDERED. Signed by Judge Trevor N. McFadden on 7/26/2018. (lctnm2) (Entered: 07/26/2018) |
| 07/27/2018 | | Set/Reset Deadlines: Defendants' Motion for Summary Judgment due by 9/7/2018. Plaintiff's Response to Defendant's Motion for Summary Judgment and its Cross-Motion due by 11/2/2018. Defendants' Response to Plaintiff's Cross-Motion and Reply in support of its Motion for Summary Judgment due by 11/29/2018. Plaintiff's Reply in support of its Cross-Motion due by 12/20/2018. (hmc) (Entered: 07/27/2018) |
| 09/07/2018 | <u>18</u> | MOTION for Summary Judgment by ANIMAL AND PLANT HEALTH INSPECTION SERVICE, UNITED STATES DEPARTMENT OF AGRICULTURE |

| | | |
|------------|-----------|---|
| | | (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Declaration, # <u>3</u> Exhibit 1, # <u>4</u> Exhibit 2, # <u>5</u> Exhibit 3, # <u>6</u> Exhibit 4, # <u>7</u> Exhibit 5, # <u>8</u> Exhibit 6, # <u>9</u> Exhibit 7, # <u>10</u> Exhibit 8, # <u>11</u> Exhibit 9, # <u>12</u> Exhibit 10, # <u>13</u> Exhibit 11, # <u>14</u> Exhibit 12, # <u>15</u> Exhibit 13, # <u>16</u> Exhibit 14, # <u>17</u> Exhibit 15, # <u>18</u> Exhibit 16)(Kolsky, Joshua) (Entered: 09/07/2018) |
| 11/02/2018 | <u>19</u> | Cross MOTION for Summary Judgment by HUMANE SOCIETY OF THE UNITED STATES (Attachments: # <u>1</u> Declaration of Debra L. Leahy, # <u>2</u> Declaration of John Goodwin, # <u>3</u> Text of Proposed Order)(Friend, Laura) (Entered: 11/02/2018) |
| 11/02/2018 | <u>20</u> | Memorandum in opposition to re <u>18</u> MOTION for Summary Judgment filed by HUMANE SOCIETY OF THE UNITED STATES. (Attachments: # <u>1</u> Declaration of Debra L. Leahy, # <u>2</u> Declaration of John Goodwin, # <u>3</u> Text of Proposed Order)(Friend, Laura) (Entered: 11/02/2018) |
| 11/21/2018 | <u>21</u> | Consent MOTION for Extension of Time to File <i>Summary Judgment Briefs</i> by ANIMAL AND PLANT HEALTH INSPECTION SERVICE, SONNY PURDUE, UNITED STATES DEPARTMENT OF AGRICULTURE (Attachments: # <u>1</u> Text of Proposed Order)(Kolsky, Joshua) (Entered: 11/21/2018) |
| 11/27/2018 | | MINUTE ORDER granting <u>21</u> Consent Motion for Extension of Time to File Summary Judgment Briefs. Defendants shall file their opposition to Plaintiff's Cross Motion for Summary Judgment no later than December 13, 2018. It is further ordered that Plaintiffs shall file any reply no later than January 24, 2019. Signed by Judge Trevor N. McFadden on 11/27/2018. (lctnm2) (Entered: 11/27/2018) |
| 11/28/2018 | | Set/Reset Deadlines: Defendants' opposition to Plaintiff's Cross-Motion for Summary Judgment due by 12/13/2018. Plaintiff's reply due by 1/24/2019. (hmc) (Entered: 11/28/2018) |
| 12/13/2018 | <u>22</u> | REPLY to opposition to motion re <u>18</u> MOTION for Summary Judgment <i>and Opposition to Plaintiff's Cross-Motion for Summary Judgment</i> filed by ANIMAL AND PLANT HEALTH INSPECTION SERVICE, UNITED STATES DEPARTMENT OF AGRICULTURE. (Attachments: # <u>1</u> Statement of Facts (Response), # <u>2</u> Declaration)(Kolsky, Joshua) (Entered: 12/13/2018) |
| 12/13/2018 | <u>23</u> | Memorandum in opposition to re <u>19</u> Cross MOTION for Summary Judgment <i>and Reply in Support of Defendants' Motion for Summary Judgment</i> filed by ANIMAL AND PLANT HEALTH INSPECTION SERVICE, UNITED STATES DEPARTMENT OF AGRICULTURE. (Attachments: # <u>1</u> Statement of Facts (Response), # <u>2</u> Declaration)(Kolsky, Joshua) (Entered: 12/13/2018) |
| 12/18/2018 | <u>24</u> | NOTICE OF SUBSTITUTION OF COUNSEL by Paul Cirino on behalf of All Defendants Substituting for attorney Joshua M. Kolsky (Cirino, Paul) (Entered: 12/18/2018) |
| 01/24/2019 | <u>25</u> | REPLY to opposition to motion re <u>19</u> Cross MOTION for Summary Judgment filed by HUMANE SOCIETY OF THE UNITED STATES. (Friend, Laura) (Entered: 01/24/2019) |
| 02/13/2019 | <u>26</u> | ORDER. It is hereby ordered that on or before March 6, 2019, the Defendant shall file a Sur-Reply addressing the Plaintiffs argument that the Court may not consider paragraphs five through eleven of Tonya G. Woods's supplemental declaration, ECF No. 23-2. The Defendant may also file additional declarations or other admissible evidence addressing how releasing the information at issue may potentially cause unwanted contact, harassment, and stigma. If the Defendant submits additional declarations or other evidence, it is further ordered that the Plaintiff may respond no later than March 20, 2019. See attached order for details. Signed by Judge Trevor N. McFadden on 2/13/2019. (lctnm2) (Entered: 02/13/2019) |